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U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity – Region IX
One Sansome Street, Suite 1200
San Francisco, CA 94104-4430

May 30, 2017

City of Phoenix Housing Authority (Property Manager)
830 E Jefferson St
Phoenix, AZ 85034

Subject: Housing Discrimination Complaint
[REDACTED] v City of Phoenix
Title VIII Case No.: 09-17-8743-8
Title VI Case No.: 09-17-8743-6

Dear City of Phoenix Housing Authority:

We have received a formal complaint alleging that you have engaged in one or more discriminatory housing practices under the Federal Fair Housing Law, 42 U.S.C. Sections 3601-3619. We are required by statute to send you a copy of the complaint.

We are enclosing a copy of the complaint for you. The alleged discriminatory practices are identified in this complaint. We have made no determination as to whether the complaint against you has merit.

The purpose of this letter is to inform you of: 1) the rights you have in responding to this complaint, 2) the rights each complainant has, and 3) the steps the U.S. Department of Housing and Urban Development (the Department) will take to determine whether the complaint has merit.

Since a respondent organization is a recipient of federal financial assistance, the complaint has also been accepted and will be investigated by the Department under Title VI of the Civil Rights Act of 1964 as amended.

Title VI states:

No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance.

In order to insure that the Department informs you properly of the law's requirements, this notification letter contains language required by the law. A similar letter is used to notify all parties whenever a formal complaint has been filed with the Department under the Federal Fair Housing Law.

We are governed by federal law, which sets out what steps we must take when a formal complaint is filed. The law also includes steps that you can take to answer or refute the

allegations of this complaint.

Under federal law, any answer from you to this complaint can be filed within 10 calendar days of your receipt of this letter or receipt of a letter notifying you of any amendments to this complaint. Your answer must be signed and you must affirm that you have given a truthful response by including the statement "I declare under penalty of perjury that the foregoing is true and correct."

You will be allowed to amend your statement at any time, if our investigation shows that it is reasonable and fair for you to do so.

Our responsibility under the law is to undertake an impartial investigation and, at the same time, encourage all sides to reach an agreement, where appropriate, through conciliation. The law requires us to complete our investigation within 100 days of the date of the official filing of the complaint. If we are unable to meet the 100-day requirement for issuing a determination, the law requires that we notify you and the complainant(s) and explain the reasons why the investigation of the complaint is not completed. All evidence gathered during the investigation will become part of the investigative record.

In handling this complaint, we will conduct an impartial investigation of all claims that the Fair Housing Act has been violated. If the investigation indicates that there is no evidence establishing jurisdiction, the case will be dismissed. At any point, you can request that our staff assist you in conciliating (or settling) this complaint with the complainant(s). If the case is not resolved, we will complete our investigation and decide whether the evidence indicates that there has been a fair housing violation. If the parties involved have not reached an agreement to settle the complaint, the Department will issue a determination as to whether there is reasonable cause to believe a discriminatory housing practice has occurred.

If our investigation indicates that there is reasonable cause to believe that an unlawful discriminatory housing practice has occurred, the Department may issue a charge. If the investigation indicates that there is no reasonable cause to believe that discrimination has occurred, the complaint will be dismissed. In either event, you will be notified in writing.

If the determination is one of reasonable cause, the notification will advise you and the complainant(s) of your rights to choose, within 20 days, whether you wish to have the case heard by an Administrative Law Judge, or to have the matter referred for trial in the appropriate U.S. District Court.

Each complainant has the legal right to file such a suit, even if the complaint formed the basis for a charge, as long as an Administrative Law Judge has not started a hearing on the record with respect to the charge. Under federal law, even if the Department dismisses the complaint, each complainant still has the right to file an individual lawsuit under the Fair Housing Law in an appropriate federal, state or local court within two years of the date of the alleged discriminatory practice or of the date when a conciliation agreement has been violated. The law does not count, as part of the two-year period, any of the time when a proceeding is pending with the Department.

There may be other applicable federal, state or local statutes under which you and/or the complainant(s) may initiate court action. You may consult a private attorney in this regard.

The law also requires us to notify you that section 818 of the Fair Housing Act makes it unlawful for you, or anyone acting on your behalf, to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, any right granted or protected under the Federal Fair Housing Law. The law also makes it illegal for anyone to coerce, threaten or interfere with any person for having aided or encouraged any other person in the exercise or enjoyment of, any right or protection granted to them under the Federal Fair Housing Law.

If you have any questions regarding this case, please contact Catherine Ross-Perry, San Francisco Enforcement Branch Chief at (415) 489-6555. Please refer to the case number at the top of this letter in those contacts, and keep this office advised of any change of your address or telephone number. We hope this information has been helpful to you.

Sincerely,

A handwritten signature in black ink, reading "Anné Quesada". The signature is written in a cursive, flowing style.

Anné Quesada
Regional Director
Office of Fair Housing and
Equal Opportunity

INVITATION TO CONCILIATION

Conciliation is a voluntary, non-binding and confidential process to help Complainant and Respondent achieve a resolution of the fair housing complaint accompanying this invitation. The Office of Fair Housing and Equal Opportunity (FHEO) is committed to working impartially with you to reach a settlement that may benefit everyone. A conciliated settlement is not an admission by a Respondent that the law has been violated, nor is it an admission by a Complainant that the complaint does not have merit. Conciliation is a way to resolve a dispute without the completion of a formal investigation.

The Conciliator is Impartial. The Conciliator is not a judge, or advocate, or there to advise anyone or decide anything. The Conciliator only helps persons create a resolution to the dispute.

A Settlement Agreement will be your agreement. It must meet your needs, the needs of other parties, as well as be in the public interest.

Conciliation requires Good Faith. This means keeping an open mind, being willing to listen, being flexible, and making a sincere effort to resolve the dispute. Good faith is needed from both Complainant and Respondent.

We encourage and invite your participation, and commend your willingness to work with us to reach a conciliated settlement to this fair housing complaint.

CONCILIATION UNDER THE FAIR HOUSING ACT

HUD is required, from the time a Fair Housing Act complaint is filed, to give the parties a chance to reach a satisfactory settlement through conciliation.

Parties' Rights:

- Confidentiality. Nothing said or done during the course of conciliation can be used in a subsequent hearing or trial regarding the alleged violation.
- Legal Counsel. Attorneys may represent Parties.
- Voluntary Nature of Conciliation. Participation in conciliation is entirely voluntary. There is no penalty for declining to settle through conciliation.

Role of the HUD conciliator:

- is a neutral participant seeking to facilitate a mutually agreeable settlement;
- will inform the parties of their rights during conciliation;
- will inform the parties about the process, and help to structure negotiation arrangements in which the parties can have confidence;

- may provide interpretations of the Act to permit the parties to bargain from informed positions;
- may describe the evidence gathered up to that time, but only to permit the parties to bargain from informed positions;
- conveys offers between the parties;
- prepares the Conciliation Agreement;
- may describe the penalties for violations, but will not comment on the likelihood that they will be imposed; and
- will not discuss the probable outcome of the case.

Effect of Agreement. A formal conciliation agreement, which the Act requires to be in writing and approved by HUD, will terminate the complaint. It ends the Respondent's potential liability and the Complainant's right to pursue allegations that could be filed with HUD.

Nature of Agreement. The essential terms of the agreement will be those negotiated by the parties. The parties may agree to refer compensation matters to an arbitrator. The agreement will also include standard provisions in the public interest (for example, concerning monitoring and reporting).

HUD's Role. By approving the agreement, HUD acknowledges that its terms serve the public interest.

Role of the Department of Justice. The Justice Department will enforce the Conciliation Agreement in the event of a breach.

DATA REQUEST LIST

1. State the legal name of your business and any other name(s) under which you do or have conducted business on the date of discrimination listed in the complaint. Identify the nature of any federal financial assistance received by the subject property along with the project number.
2. State type of legal business entity you are (i.e., corporation, partnership, limited partnership, sole proprietorship etc.). Also identify any agent for service of process along with his or her contact information.
3. Identify and list the legal owners of the property in question by name, address, telephone number and type of ownership.
4. List all persons and/or firms involved in the management of the property named in the complaint by name, address, telephone number, job title, and management responsibility. Also identify any agent for service of process along with his or her contact information.
5. State whether at any time you have been a party in any lawsuit or enforcement action brought under any fair housing law or civil rights act in any court of law or by any governmental agency. If so, state the title or caption of the case, the case number, the name of the court or governmental agency where it was filed, the date of filing, and the outcome.
6. State any facts that you assert in response to the allegations in the complaint. Please state these facts chronologically by date.
7. Identify and list by name, title, address, and telephone number each individual who was involved in or witnessed the act(s) alleged on the complaint form or who has knowledge of the information set forth in your response to this data request letter.
8. Identify any documents that support the facts referred to in your response to this data request letter. Describe these documents chronologically so that they can be identified and include a copy of these documents if possible. In addition, state the present location of each of these documents and the name, address and telephone number for the custodian of these documents.
9. Submit a copy of any documents or the contents of any file in your control concerning the complainant(s).
10. Please state whether this project is the subject of any Low Income Housing Tax Credit. If so, please provide documentation of this tax credit.

Revised 10/03/2002

Housing Discrimination Complaint

Case Number: Title VIII Case No.: 09-17-8743-8
Title VI Case No.: 09-17-8743-6

1. Complainants:



2. Complainant Representatives:

3. Other Aggrieved Parties:



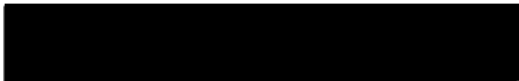
4. The following is alleged to have occurred or is about to occur:

- Discriminatory refusal to rent
- Discriminatory terms, conditions, privileges, or services and facilities
- Discriminatory acts under Section 818 (coercion, Etc.)

5. The alleged violation occurred because of:

- Race

6. Address and location of the property in question (or if no property is involved, the city and state where the discrimination occurred):



7. Respondents:

City of Phoenix (Owner)
251 W Washington St 3rd Floor
Phoenix, AZ 85003

City of Phoenix Housing Authority (Property Manager)
830 E Jefferson St
Phoenix, AZ 85034

Tristen Villanueva
Management Office
4545 N. Maryvale Parkway
Phoenix, CA 85031

Dina Fernandez
c/o City of Phoenix Housing Authority
830 E Jefferson St
Phoenix, AZ 85034

8. The following is a brief and concise statement of the facts regarding the alleged violation:

Complainant, [REDACTED] is African American/Caucasian and is disabled as defined by the federal Fair Housing Act. Respondents are Tristen Villanueva (Manager), Dina Fernandez (Management Agent), City of Phoenix (Owner), and City of Phoenix Housing Authority (Property Management). Complainant lived with her adult grandson who assisted Complainant as a health aide and is African American/Black.

On or about March 2, 2017 Complainant was visited by three City of Phoenix police officers Tristen Villanueva, and Dina Fernandez, representing the City of Phoenix Housing Authority, accompanied the officers.. The five individuals questioned Complainant about her grandson. Complainant informed them that the grandson was on the lease agreement and was living with her while completing college. Respondents cited that Complainant's grandson had accompanied another person into a Walmart where the companion was arrested for shoplifting. Complainant informed the five individuals that she was aware of the incident, and noted that her grandson was detained then released because he had not been a party to the attempted theft.

The police officers and Respondent managers verbally insisted that because the complex could not allow criminal behavior of tenants that Complainant's grandson must leave the property by March 31, 2017 or Complainant would be evicted. Complainant's grandson complied by vacating the complex and has not returned to the property since March 31, 2017. The grandson's keys were returned to the management offices.

In mid-April 2017, during a recertification meeting with Tristen Villanueva, Complainant was verbally warned that she would be evicted if the grandson ever returned to the property. On May 1, 2017 Complainant received a notice that her grandson was seen “jumping the security gate” of the complex and had spent the night in complainant’s apartment. Complainant denies that she was ever visited by the grandson after March 2017 and notes the grandson would have to phone Complainant in order to release the security door to gain access to the building. Complainant alleges she never received such a call.

Complainant alleges that Respondents required her grandson to leave the property due allegations of criminal behavior without any apparent basis to allege the grandson participated in a crime as defined in the state codes. Complainant further alleges the City of Phoenix proactively made false allegations of the grandson’s criminal behavior and reentry to the property as a proxy to prevent her and her grandson to live in the property on the basis of their race. Complainant notes that even if Complainant was an accessory to the theft there is no indication that the act would be repeated or a threat to complex residents.

9. The most recent date on which the alleged discrimination occurred:

May 01, 2017 , and is continuing.

10. Types of Federal Funding Identified:

- PIH
- HUD Assisted Housing (202, 811, Project Based Section 8)

11. The acts alleged in this complaint, if proven, may constitute a violation of the following sections:

804a or f, 804b or f, and 818 of Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Act of 1988.

Title VI of the Civil Rights Act of 1964

Please sign and date this form:

I declare under penalty of perjury that I have read this complaint (including any attachments) and that it is true and correct.



Date

**N O T E : HUD WILL FURNISH A COPY OF THIS COMPLAINT TO THE PERSON
OR ORGANIZATION AGAINST WHOM IT IS FILED.**